

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15831 of 2007

DATED: 6/8/2007

Between:

K.Seshagiri Rao

petitioner

And

Northern Power Distribution company of A.P. Ltd
Rep by its Managing Director,
Hanamakonda, Warangal & ors

Respondents

-
-
-

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15831 of 2007

ORAL ORDER:

This writ petition is filed questioning the action of the third respondent in issuing show cause notice dated 7.7.2007 calling for the explanation of the petitioner without furnishing the copy of the enquiry report as illegal and arbitrary.

The petitioner herein is employed in the respondent company as Upper Division Clerk. While so, he was issued with a charge sheet dated 10.12.2004 alleging theft of energy by using PUC copper wire and using filthy and unparliamentary language and trying to man handle one

Mr K Mallaiah Ex.JLM and Mr Rajaiah, Lineman. Having not satisfied with the explanation offered by the petitioner, an enquiry was ordered and on conducting the enquiry, the Enquiry Officer submitted enquiry report holding the charges leveled against the petitioner as proved. Based on the findings in the enquiry report, the petitioner was issued with a show cause notice dated 7.7.2007 proposing to impose the punishment of stoppage of four annual grade increments with cumulative effect. The petitioner alleges that without furnishing the copy of the enquiry report the impugned show cause notice was issued contrary to Regulation 10 (2) (c) of the Discipline and Appeal Regulations. Hence the present writ petition.

Learned standing counsel for respondent company on instructions submitted that after issuance of the show cause notice, the

copy of the enquiry report was furnished to the petitioner.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation and perused the material available on record. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the learned counsel for the respondent-company admitted that after issuing the show cause notice the enquiry report was furnished to the petitioner, I am of the considered opinion that the impugned show cause notice, proposing to impose punishment upon the petitioner cannot be sustained, and is liable to be set aside.

Hence, the impugned show cause notice is set aside. Now that the respondents furnished enquiry report to the petitioner, the respondents shall call for the objections of the petitioner, if any, thereto, and after considering the objections that may be submitted by the petitioner, they are at liberty to take further action in the matter in accordance with law

With the above directions, the writ petition is disposed of. No costs.

N.V.RAMANA,J

DATE: 6.8.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15831 of 2007

Date: 6.8.2007

